

REMARKS

In the Office Action, the Examiner objected to claims 2, 5, 7, 9, 18, 20, 28, 30, and 40; rejected claim 21 under 35 U.S.C. § 112, second paragraph; rejected claims 1-6, 9, 18, 21-27, 30, 38, 41-49, and 51 under 35 U.S.C. § 102(b) as being anticipated by an article to Mazziotti et al. (Mazziotti et al., "Creating a Flexible, Simulation-Based Finite Scheduling Tool", Proceedings of the 1997 Winter Simulation Conference, pp. 853-860, December 7-10, 1997, Atlanta, Georgia); rejected claims 7, 8, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Mazziotti et al. in view of U.S. Patent No. 5,260,868 to Gupta; rejected claims 10-17, 19, 20, 31-37, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Mazziotti et al. in view of Gupta and U.S. Patent No. 5,369,570 to Parad; and rejected claim 50 under 35 U.S.C. § 103(a) as being unpatable over Mazziotti et al. in view of U.S. Patent No. 6,466,898 to Chan.

Applicant has amended claims 1, 2, 5-10, 12-15, 17-31, 33, 34-38, 40, 42, 47, and 48. Claims 1-51 are pending in the above-captioned patent application.

With respect to the Examiner's objection to claims 2, 5, 7, 9, 18, 20, 28, 30, and 40, Applicants have amended these claims to more appropriately define Applicant's invention. In particular, Applicant has corrected claims 2, 5, 9, 18, and 30 as suggested by the Examiner at page 2 of the Office Action. With respect to the Examiner's query as to whether "there is only one completion condition or a plurality of completion conditions" (Office Action at page 2), Applicant has amended claims 7 and 28 to recite that "each of said processes being associated with data identifying one or more completion conditions for that process, at least some of the processes being associated with data identifying one or more completion conditions." In addition, claim 9 has been amended to recite "time increment step size" instead of "time increment." The phrase

“said determined time increment” at lines 10-11 of the claim derives antecedent support from the previously recited step of “determining a time increment step size ...,” at lines 6-7. Further, in claims 20 and 40 “completion” condition has been changed to “continuation” condition to maintain antecedent basis. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the objection to claims 2, 5, 7, 9, 18, 20, 28, 30, and 40.

In regard to the Examiner’s rejection of claim 21 under 35 U.S.C. § 112, second paragraph, claim 21 has been amended to depend from “any one of claims 1, 9 or 18.” Applicant submits that claim 21 is in proper multiple dependent form, and complies with 35 U.S.C. § 112, second paragraph.

Before addressing the Examiner’s rejection under 35 U.S.C. § 102, Applicant notes that the Examiner characterized various limitations recited in claims 7, 9, 10, 20, 28, 31, 40, 43, and 46 at page 3 of the Office Action. Applicant submits that the Examiner’s interpretation of these claims is moot in light of the above amendments to claims 7, 9, 10, 20, 28, 31, and 40, as well as claims 1 and 22, from which claims 43 and 46 respectively depend. In any event, Applicant does not necessarily endorse any statement or characterization of the related art and claims in the Office Action.

Applicant respectfully traverses the Examiner’s rejection of claims 1-6, 9, 18, 21-27, 30, 38, 41-49, and 51 under 35 U.S.C. § 102(b) as being anticipated by an article to Mazziotti et al. Amended claim 1, for example, is not anticipated by Mazziotti et al. because the reference fails to teach each and every step of the claim. In particular, Mazziotti et al. at least fails to teach the claimed method including steps of “identifying

items of equipment ...”, “utilizing said stored model data ...,” and “determining for said identified items ...,” as recited in amended claim 1.

Mazziotti et al. discloses that various parameters and criteria can be considered in developing a “simulation-based scheduler” (Abstract) for “textile and apparel applications.” Page 853, Section 2, see also Figure 1. Significantly, however, Mazziotti et al. does not disclose details of the operation of an actual scheduler. For example, although Mazziotti et al. discloses that it is necessary to define “the physical system at an appropriate level of detail” (pp. 854, Section 3.1), the reference does not discuss what that “detail” is and does not specifically disclose when and how such physical system, and presumably the equipment associated therewith, is defined. Thus, Mazziotti et al. necessarily fails to teach the claimed step of “identifying items of equipment liable to be involved in simulated processing of a next batch to be initiated *after said latest initiated batch*” (emphasis added), as recited in amended claim 1, and, certainly, fails to teach:

utilizing said stored model data to determine for each item *of said identified items of equipment* a minimum possible simulated processing time required for simulated processing of said latest initiated batch;

(emphasis added), and

determining *for said identified items of equipment* which are currently in use for processing batches currently being processed, the greatest time of use of previously simulated in processing batches using said items of equipment.

(emphasis added).

Moreover, Applicant advises that a scheduler for textile applications would not take into account the total processing time for an individual batch. Accordingly,

Applicant respectfully submits that the Examiner's application of Mazziotti et al. with respect to claim 1 is misplaced for this reason also.

Turning to amended claim 9, Applicant notes that Mazziotti et al. also discloses that "it may be more appropriate to define the *speed of the equipment*, perhaps in feet per minute" (emphasis added, pp. 856, Section 3.2.2). Mazziotti et al., however, does not disclose taking into account the *rate of a utility*, and thus also at least fails to teach "determining whether any process of said plurality of processes to be simulated is associated with rate data identifying the respective associated process as utilizing a *utility at a rate*" (emphasis added), as recited in amended claim 9.

In addition, although Mazziotti et al. discloses that a "scheduler will be able to make comparative decisions based on actual system conditions" (pp. 859, Summary), the reference does not describe what those "actual system conditions" are. Moreover, Mazziotti et al. is silent as to the claimed *default* time increment step size of claim 9, and at least fails to teach the claimed

selecting as a time increment step size ... a default time increment step size if at least one process associated with rate data is to be simulated and said default time increment step size is smaller than said determined minimum time increment step.

With respect to amended claim 18, the Examiner cites Figure 1, Section 3.1.1 and portions of Mazziotti et al. at pages 854 and 856, as allegedly teaching data indicative of a continuation condition (see Office Action at page 7). The cited portions of Mazziotti et al., however, disclose "resources" to be accounted for in a scheduling mode (see Section 3.1.1, Fig. 1), as well as describe set up and changeover times (see Section 3.1.3, pp. 356). These teachings, however, fail to disclose the claimed continuation conditions. Moreover, even if such disclosure corresponds to Applicant's

claimed continuation conditions, Maziotti et al. is vague as to how resources and changeover times are determined, and thus certainly fails to teach “determining for the processes to be simulated whether *output data generated for the previous step in said simulation fulfills the one or more continuation conditions defined by stored data associated with said processes being simulated*” (emphasis added), as recited in amended claim 18. Further, Maziotti et al. is silent as to the claimed “simulating a delay in the continued processing of said process” “if at least one continuation condition associated with a process being simulated is not fulfilled by said generated output data,” as recited in amended claim 18.

Claims 22, 30 and 38, while of different scope, recite limitations similar to those of claims 1, 9 and 18, respectively. Accordingly, Applicant submits that claims 22, 30 and 38 are distinguishable over Maziotti et al. at least for reasons discussed above in regard to claims 1, 9 and 18.

In light of the above-described deficiencies of Maziotti et al., claims 1, 9, 18, 22, 30 and 38 are allowable over the applied reference, and claims 2-6, 21, 23-27, 41-49, and 51 are allowable at least due to their corresponding dependence from claims 1, 9, 18, 22, 30 and 38.

Applicant respectfully traverses the Examiner’s rejection of claims 7, 8, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Mazziotti et al. in view of Gupta; claims 10-17, 19, 20, 31-37, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Mazziotti et al. in view of Gupta and Parad; and claim 50 under 35 U.S.C. § 103(a) as being unpatentable over Mazziotti et al. in view of Chan. The Examiner relies on Gupta allegedly for teaching “the determination of a minimum possible

processing time for an item of equipment" (Office Action at page 9) and Parad allegedly for disclosing "generation of output data ... associated with items of utility type data utilizing rate data associated with a process being simulated" (Office Action at page 10). Chan is cited allegedly for teaching "a simulation system in which electrical signals are transferred over the internet" (Office Action at page 13). Even if such teachings were present in Gupta, Parad, and Chan (and Applicant does not agree that they are), these references would still fail to overcome the above-noted shortcomings of Maziotti et al. Accordingly, claims 10-17, 19, 20, 31-37, 39, and 40 at least due to their corresponding dependence from claims 1 and 22.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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